

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE:  
KENNETH MAYER

CHAPTER 13

BK. No. 17-10171 AMC

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Debtor

STIPULATION TO VACATE THE RELIEF ORDER  
AND REINSTATE THE AUTOMATIC STAY

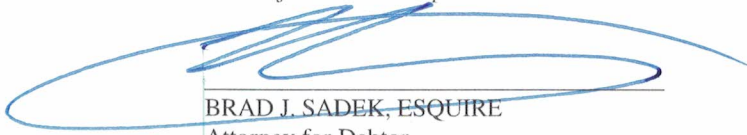
It is hereby stipulated by and between Phelan Hallinan Diamond & Jones, LLP, counsel for the Movant, **U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE, FOR RESIDENTIAL ASSET SECURITIES CORPORATION, HOME EQUITY MORTGAGE ASSET-BACKED PASS-THROUGH CERTIFICATES, SERIES 2006-EMX5**, and BRAD J. SADEK, ESQUIRE, Esquire, counsel for the Debtor, as follows:

1. The Court's Order of November 28, 2017 shall be vacated.
2. The Automatic Stay as provided by Section 362 of the Bankruptcy Code shall remain in full force and effect conditioned upon the terms and conditions set forth herein.
3. The parties agree that the total post-petition arrearage consists of five (5) monthly payments for the months of November 2017 through March 2018 at \$1,329.58 each; less Debtor's suspense in the amount of \$4.04; resulting in the total post-petition arrearage amount of \$6,643.86.
4. The parties acknowledge funds in the amount of \$1,400.00 received and applied on 2/12/2018 reducing arrears to \$5,243.86.
5. The Debtor will tender funds in the amount of \$5,243.86 to cure all arrears through March 31, 2018.
6. Beginning April 1, 2018, Debtor shall commence payment of the regular monthly mortgage payment in the amount of \$1,329.58. All subsequent monthly payments and late charges shall be due in accordance with the terms of the Mortgage. All payments made pursuant to this Stipulation shall be by certified check or money order payable to **Wells Fargo Home Mortgage, PO Box 14507, Des Moines, IA 50306**.
7. If Debtor provides sufficient proof (front and back copies of checks or money orders) of payments made, but not already credited, the account will be adjusted accordingly.
8. Should the Debtor fail to make any of the above captioned payments, or if any regular monthly mortgage payment commencing after the cure of the post-petition delinquency is more than fifteen (15) days late, Movant shall send Debtor and counsel a written Notice of Default of this Stipulation. If the default is not cured within ten (10) days of the date of the Notice, counsel shall file a Certification of Default with the Court and the Court shall enter an Order granting relief from the Automatic Stay waiving FED. R. Bankr. P. 3002.1 and waiving Rule 4001 (a)(3) so that the Relief Order is immediately effective and enforceable.
9. In the event the Debtor converts to a Chapter 7 during the pendency of this bankruptcy case, the Debtor shall cure all arrears within ten (10) days from the date of conversion in order to bring the loan contractually current. Should the Debtor fail to bring the loan contractually current, Movant shall send Debtor and counsel a written Notice of Default of this Stipulation. If the default is not cured within ten (10) days of the date of the Notice, counsel shall file a Certification of Default with the Court and the Court shall enter an Order granting relief from the Automatic Stay waiving FED. R. Bankr. P. 3002.1 and waiving Rule 4001 (a)(3) so that the Relief Order is immediately effective and enforceable.
10. Debtor's tendering of a check to **WELLS FARGO BANK, N.A.**, which is subsequently returned due to insufficient funds in the account upon which the check is drawn, shall not constitute payment as the term is used in this Stipulation.

11. The parties agree that a facsimile signature shall be considered an original signature.

Date: \_\_\_\_\_

/s/ Jerome Blank, Esquire  
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